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19 November 2008

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Your Ref: 20243AUP00

Examiner's first report on patent application no. 2004298829
by Dyesol Ltd

Last proposed amendment no.

Dear Madam/Sir,

I am replying to the request for examination. I have based this report on the pamphlet. I have examined the application and I believe that there are lawful grounds of objection to the application. These grounds of objection are:

1. Claim 6 lacks clarity as there is no antecedent for, "*the absorbing material*" when appended to any preceding claim.

2. The invention defined in claims 1, 4-10 does not involve an inventive step in light of the following prior art documents:

   D1: US 6359211 B1 (SPITLER et al.) 19 March 2002
   D2: CN 1444290 A (INST OF PLASMA PHYSICS CHINESE [CN]) 24 September 2003

   D1 discloses the manufacture of a photoelectrochemical solar cell comprising a conductive substrate SnO_2 and a dye-sensitised nanocrystalline layer TiO_2 deposited thereon (see col. 8 lines 11-19). While D1 does not explicitly teach the electrolytic treatment of the nanoparticulate layer in an electrolyte, D2 is similarly directed towards the treatment of a dye sensitised nanoparticulate film for a solar cell wherein the film is exposed to an electrolyte solution in order to increase the cell's efficiency (see English abstract, available at http://v3.espacenet.com/publicationDetails/biblio?KC=A&date=20030924&NR=1444290A&DB=EPODOC&locale=en_EP&CC=CN&FT=D, retrieved 18 November 2008) .
   When considering the need to increase the efficiency or performance of a solar cell utilising a dye-sensitised nanoparticluate layer, a person skilled in the art would be immediately led to modify the manufacture of the basic solar cell configuration disclosed in D1 with the electrolytic treatment of the nanoparticulate layer as described in D2, without requiring any inventive ingenuity to implement and thus arriving at the invention as claimed.

You have 21 months from the date of this report to overcome all my objection(s) otherwise your application will lapse.

You will need to pay a monthly fee for any response you fille after 12 months from the date of the first report.

You will also need to pay any annual continuation fees that apply. These will normally be first due five years from the filing date. Please note however that earlier commencement dates apply for divisional applications.

Information about fees may be obtained by phoning 1300 651 010.

Yours faithfully,

STEPHEN EDWARDS
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